



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

April 27, 2005

Stan Huckaby, Treasurer  
National Republican Senatorial Committee  
425 Second Street NE  
Washington, DC 20002

**Response Due Date:**  
**May 27, 2005**

Identification Number: C00027466

Reference: 30 Day Post -General Report (10/14/04-11/22/04)

Dear Mr. Huckaby:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Schedule E discloses independent expenditures on behalf of a federal candidate(s). Schedule F of this report discloses coordinated expenditures on behalf of the same candidate(s). Under 2 U.S.C. §431(17), an "independent expenditure" is defined as:

... an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate; and that is not made in concert or cooperation with or at the request or suggestion of such candidate, the candidate's authorized committee, or their agents, or a political party committee or its agents.

Further, 11 CFR §109.21 outlines the factors which define a coordinated communication. Please verify that the independent expenditures made by your Committee in support of **Lisa Murkowski, David Vitter, Richard Burr and James DeMint** meet the definition of and were properly categorized as independent expenditures. If necessary, amend your reports to disclose the aforementioned transactions as in-kind contributions (Schedule B supporting Line 23 of the Detailed Summary Page) or coordinated expenditures (Schedule F supporting Line 25 of the Detailed Summary Page).

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If the reclassification of these expenditures as in-kind contributions results in excessive contributions, the Commission recommends that you notify the candidate(s) and request a refund of the amount in excess of \$5,000 per election. If the reclassification of these expenditures as coordinated expenditures results in your committee exceeding the limitations under 2 U.S.C. §441a(d), the Commission recommends that you notify the candidate(s) and request a refund of the amount in excess of the 2004 expenditure limitation.

Please inform the Commission of any corrective action immediately in writing and provide a photocopy of your refund request(s) sent to the candidate(s). In addition, any refunds should be disclosed on Schedule A supporting Line 16 of your next report.

-The limitation on making coordinated party expenditures on behalf of Senate candidates in Alaska, Louisiana, North Carolina and Washington for the 2004 general election is \$149,240.00, \$495,328.00, \$943,196.00 and \$691,728.00, respectively (including limits authorized by the Republican Party of Alaska, Republican Party of Kentucky, Republican Party of Louisiana, North Carolina Republican Executive Committee and Washington State Republican Party). Your reports, however, disclose coordinated party expenditures made on behalf of Lisa Murkowski, David Vitter, Richard Burr and George Nethercutt totaling \$318,126.00, \$496,484.00, \$1,113,728.00 and \$713,717.00, respectively, which appear to exceed the limitations under 2 U.S.C. §441a(d) (see attached).

If any apparently excessive expenditure in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information.

If you have made an excessive coordinated party expenditure, you must notify the candidate and request a refund of the amount in excess of the limitation.

Please inform the Commission of your corrective action immediately in writing and provide a photocopy of the refund request sent to the candidate. In addition, any refunds should be disclosed on Schedule A supporting Line 16 of the report covering the period during which they are received.

Although the Commission may take further legal action concerning the excessive coordinated party expenditures, prompt action in obtaining a refund will be taken into consideration.

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-Your committee filed 48 hour notices for independent expenditures made in opposition to Tony Knowles, Betty Castor, Ken Salazar, Brad Carson, and Tom Daschle; and in support of Tom Coburn; however, Schedule E of your report does not disclose a corresponding memo entry or payment for this activity. Please be advised that if a communication is aired in one reporting period and the payment is made in a later reporting period, the independent expenditure should be reported as a memo entry on Schedule E when the communication is publicly disseminated and also on a Schedule D if it is a reportable debt under 11 CFR 104.11. Further, during the reporting period that payment for the independent expenditure is made, the report should show a payment on Schedule E and the same payment on Schedule D, if applicable. Please amend your report to provide further clarifying information regarding this activity.

-Schedule E of your report indicates that your committee may have failed to file one or more of the required 48 hour notices for independent expenditures (see attached). A political committee must file a 48 hour report with the Federal Election Commission as specified in 11 CFR §104.4(b), within 48 hours of any independent expenditures aggregating \$10,000 or more with respect to a given election, made any time during the calendar year up to and including the 20<sup>th</sup> day before an election. The notice must be received by the Commission by 11:59 p.m. on the second day following the date on which independent expenditures that aggregate \$10,000 or more are publicly distributed or disseminated. These expenditures must then be fully itemized on Schedule E, or as memo entries on Schedule E and reflected on Schedule D if distributed or disseminated prior to payment, of the next report required to be filed by the committee. Although the Commission may take further action concerning this matter, your prompt response will be taken into consideration. 11 CFR §104.3(b)

**Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter.** Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any

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questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1135.

Sincerely,



Maureen Benitz  
Senior Campaign Finance Analyst  
Reports Analysis Division

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Excessive Coordinated Expenditures

Recipient Name	Date	Amount	Election	Report
Lisa Murkowski	9/22/04	\$49,941.00	G- 04	October Monthly
Lisa Murkowski	10/4/04	\$20,800.00	G- 04	12 Day Pre-General
Lisa Murkowski	10/4/04	\$160,000.00	G- 04	12 Day Pre-General
Lisa Murkowski	10/8/04	\$49,350.00	G- 04	12 Day Pre-General
Lisa Murkowski	10/14/04	\$38,035.00	G- 04	30 Day Post-General

David Vitter	8/9/04	\$800.00	G- 04	September Monthly
David Vitter	8/26/04	\$356.00	G- 04	September Monthly
David Vitter	10/22/04	\$495,328.00	G- 04	30 Day Post-General

Richard Burr	9/24/04	\$410,000.00	G- 04	October Monthly
Richard Burr	9/24/04	\$60,000.00	G- 04	October Monthly
Richard Burr	10/4/04	\$180,000.00	G- 04	12 Day Pre-General
Richard Burr	10/4/04	\$13,728.00	G- 04	12 Day Pre-General
Richard Burr	10/6/04	\$95,000.00	G- 04	12 Day Pre-General
Richard Burr	10/7/04	\$325,000.00	G- 04	12 Day Pre-General
Richard Burr	10/15/04	\$30,000.00	G- 04	30 Day Post-General

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## Excessive Coordinated Expenditures

Recipient Name	Date	Amount	Election	Report
George Nethercutt	10/6/04	\$317,900.00	G- 04	12 Day Pre-General
George Nethercutt	10/8/04	\$69,906.00	G- 04	12 Day Pre-General
George Nethercutt	10/8/04	\$39,306.00	G- 04	12 Day Pre-General
George Nethercutt	10/14/04	\$43,304.00	G- 04	30 Day Post-General
George Nethercutt	10/18/04	\$43,309.00	G- 04	30 Day Post-General
George Nethercutt	10/20/04	\$23,993.00	G- 04	30 Day Post-General
George Nethercutt	10/22/04	\$21,786.00	G- 04	30 Day Post-General
George Nethercutt	10/22/04	\$101,187.00	G- 04	30 Day Post-General
George Nethercutt	10/27/04	\$53,026.00	G- 04	30 Day Post-General

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Missing 48 Hour Notice

Name of Payee	Date	Amount	Purpose	Candidate
Conquest Communications Group	10/18/04	\$10,000.00	Telemarking	Inez Tenebaum
Strategic Direction.com Inc.	10/18/04	\$10,000.00	Telemarking	Inez Tenebaum
Stevens Reed Curcio & Potholm	10/14/04	\$3,985.00	Advertising	Tony Knowles
Stevens Reed Curcio & Potholm	10/14/04	\$18,500.00	Advertising	Tony Knowles
Stevens Reed Curcio & Potholm	10/29/04	\$18,500.00	Advertising	Tony Knowles
Stevens Reed Curcio & Potholm	10/29/04	\$6,500.00	Advertising	Tony Knowles
Conquest Communications Group	10/18/04	\$20,000.00	Telemarking	Betty Castor
Feather Larson Synhorst	10/15/04	\$15,444.00	Telemarking	Brad Carson
Conquest Communications Group	10/18/04	\$10,000.00	Telemarking	Brad Carson
Feather Larson Synhorst	10/15/04	\$36,400.00	Telemarking	Erskine Bowles
Feather Larson Synhorst	10/18/04	\$10,000.00	Telemarking	Erskine Bowles
Feather Larson Synhorst	10/19/04	\$20,000.00	Telemarking	Chris John

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